

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

JUN 16 1993

DOCKET FILE COPY ORIGINAL

Michael E. Beller, Esq.
Verner, Liipfert, Bernard,
McPherson and Hand, Chartered
901 Fifteenth Street, N.W.
Suite 700
Washington, D.C. 20005

93-96 /

Dear Mr. Beller:

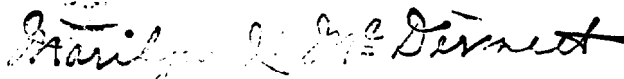
This is in response to your Request for Hearing Fee Refund submitted on behalf of Robert G. Picklesimer (Picklesimer), former applicant for a new FM radio broadcast station at Harold, Kentucky.

You state that Picklesimer tendered a hearing fee in the amount of \$6,760. You also state that on the Notice of Appearance deadline, Picklesimer and the remaining applicant filed a Settlement Agreement that contemplated dismissal of Picklesimer's application and grant of the competing application. This Agreement has been granted by the presiding ALJ and the proceeding is terminated. See Memorandum Opinion and Order, FCC 93M-280, released May 20, 1993. You now request that Picklesimer's hearing fee be refunded.

Section 1.1111(b)(4) of the Commission's rules provides for refund of the hearing fee in cases where a settlement agreement, filed by the Notice of Appearance deadline, provides for the dismissal of all but one of the applicants and the surviving application is immediately grantable or if matters specified in the designation order can be deleted. 47 C.F.R. § 1.1111(b)(4). Because Picklesimer participated in a timely filed agreement that resulted in settlement of this proceeding, the hearing fee may be returned.

Accordingly, a check for \$6,760.00, payable to the maker of the original check, will be forwarded to you at the earliest practicable time. If you have any questions about this refund, please call the Chief, Fee Section at (202) 632-0241.

Sincerely,



Marilyn J. McDermott
Associate Managing Director
for Operations

and Alan D. Gearheart, filed a settlement agreement with the presiding judge. By Memorandum Opinion and Order, FCC 93M-280, released May 20, 1993, the presiding judge approved the settlement agreement and granted the application of the single remaining applicant. See Exhibit 2. Accordingly, a refund of the hearing fee is warranted.

IN VIEW OF THE FOREGOING, Picklesimer respectfully requests a refund in the amount of \$6,760, made payable to Robert G. Picklesimer, be made and delivered to undersigned counsel.

Respectfully submitted, °

ROBERT G. PICKLESIMER



EXHIBIT 1

Stamp + Return

FCC/MELLON

AUG 04 1992

LAW OFFICES

VERNER, LIIPFERT, BERNHARD, McPHERSON AND HAND

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WASHINGTON, D.C. 20005-2301

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WILLIAM A. ZEITLER*
NEIL T. PROTO
LESLIE M. ALDEN*
LAWRENCE Z. LORBER
R. STUART BROOM
ROBERT G. VARNER, JR.
KENNETH S. BARR

LOUIS F. BESIO
VICE PRESIDENT FOR
FINANCE AND ADMINISTRATION

WRITER'S DIRECT DIAL NUMBER
(202) 371-6119

August 4, 1992

DELIVER BY HAND

Donna Searcy, Secretary
c/o Federal Communications Commission
Mass Media Services
P.O. Box 358170
Pittsburgh, PA 15251-5170

Re: Hearing Designation Fee;
Robert G. Picklesimer;
File No. BPH-920109MB; Harold, Kentucky

Dear Ms. Searcy:

On behalf of Robert G. Picklesimer, an applicant for a new FM station in Harold, Kentucky (File No. BPH-920109MB), enclosed herewith is a check in the amount of \$6,760, along with FCC Form 155, to cover Mr. Picklesimer's hearing fee.

Pursuant to FCC Public Notice Report No. NA-160, released June 3, 1992, and the Erratum thereto, the deadline for payment of Mr. Picklesimer's hearing fee is August 6, 1992. Therefore, this hearing fee is timely paid.

* NOT ADMITTED IN DC
* ADMITTED IN VIRGINIA
* ADMITTED IN TEXAS

Donna Searcy, Secretary
August 4, 1992
Page 2

If any questions should arise concerning this matter, please
contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael E. Beller", written in a cursive style.

Michael E. Beller

/jywb
Enclosure

cc: Robert G. Picklesimer

FEE PROCESSING FORM

FCC
CASE
ONLY

Please read instructions on back of this form before completing it. Section I MUST be completed. If you are applying for concurrent actions which require you to list more than one Fee Type Code, you must also complete Section II. This form must accompany all payments. Only one Fee Processing Form may be submitted per application or filing. Please type or print legibly. All required blocks must be completed or application/filing will be returned without action.

SECTION I

APPLICANT NAME (Last, first, middle initial)

Picklesimer, Robert G.

MAILING ADDRESS (Line 1) (Maximum 65 characters - refer to instruction (2) on reverse of form)

P.O. Box 20736

MAILING ADDRESS (Line 2) (if required) (Maximum 65 characters)

CITY

Louisville

STATE OR COUNTRY (if foreign address)

Kentucky

ZIP CODE

40250

CALL SIGN OR OTHER FCC IDENTIFIER (if applicable)

File No. 920109MB

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in FCC Fee Filing Guides. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.

(A)

(B)

(C)

FEE TYPE CODE

FEE MULTIPLE
(if required)

FEE DUE FOR FEE TYPE
CODE IN COLUMN (A)

FOR FCC USE ONLY

(C)

M

W

R

\$ 6,760.00

SECTION II

- To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

This cashier's check is the equivalent of cash. In the event it is lost or stolen, it will not be replaced unless an indemnity bond is posted.

PIKEVILLE, KENTUCKY 41501

36214

REMITTER

Robert Picklesimer

7-30-92

73-268/421

PAY TO THE

ORDER OF

Federal Communications Commission

\$

6,760.00

DOLLARS

Harold Kentucky Hearing Fee

CASHIER'S CHECK

Bellie L. M. M. M.

⑈036214⑈ ⑈04210268⑈ ⑈10377960⑈

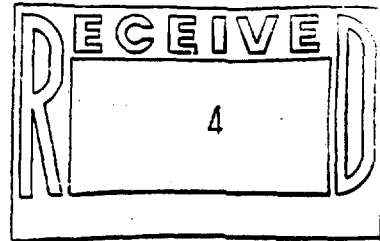
THROUGH (B), AND ENTER THE TOTAL HERE.
THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED
REMITTANCE.

TOTAL AMOUNT REMITTED
WITH THIS APPLICATION
OR FILING

\$6,760.00

FOR FCC USE ONLY

EXHIBIT 2



Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FCC 93M-280
31559

In re Applications of)	MM DOCKET NO. 93-96
)	
ADAM D. GEARHEART)	File No. BPH-920102MC
)	
ROBERT G. PICKLESIMER)	File No. BPH-920109MB
)	
For Construction Permit for a)	
New FM Station on Channel 285A)	
in Harold, Kentucky)	

MEMORANDUM OPINION AND ORDER

Issued: May 18, 1993 ; Released: May 20, 1993

1. Under consideration are a "Joint Motion for Approval of Agreement" filed by Adam D. Gearheart (Gearheart) and Robert G. Picklesimer (Picklesimer) on April 27, 1993; a supplement thereto filed by Gearheart on April 29, 1993; a supplement to the joint motion filed by Picklesimer on May 3, 1993; and "Mass Media Bureau's Comments in Support of Joint Motion for Approval of Agreement" filed by the Bureau on May 11, 1993.

Accordingly, IT IS ORDERED that the "Joint Motion for Approval of Agreement" filed by Adam D. Gearheart and Robert G. Picklesimer on April 27, 1993, and supplemented on April 29, 1993, and May 3, 1993, IS GRANTED; the agreement IS APPROVED; payment in the amount of \$14,000 to Robert G. Picklesimer IS AUTHORIZED; the application of Robert G. Picklesimer (File No. BPH-920109MB) IS DISMISSED, with prejudice; the application of Adam D. Gearheart (File No. BPH-920102MC) for a construction permit to build a new FM station on Channel 285A in Harold, Kentucky, IS GRANTED; and this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read "Joseph Stirmer", is written over the printed name.

Joseph Stirmer
Chief Administrative Law Judge

CERTIFICATE OF SERVICE

I, Jaime Y.W. Bierds, a secretary for the law firm Verner, Liipfert, Bernhard, McPherson and Hand, Chartered, do hereby certify that a true and correct copy of the foregoing "Request